

S E A T T L E P O L I C E D E P A R T M E N T

*Office of  
Professional  
Accountability*



**OPA  
Policy Review  
&  
Outreach**

S A M P A I L C A  
D I R E C T O R

## **EXECUTIVE SUMMARY**

In addition to the investigation of citizen complaints, the Office of Professional Accountability is charged by ordinance with two other functions: (1) policy review and recommendation, and (2) outreach to the community. These functions are essential to the operation of a meaningful, effective, transparent and responsive complaint review and investigation office.

From its inception, the OPA has devoted a significant portion of its work to review of police operations and community and internal outreach.

### **Policy Review and Recommendation**

This report includes issues and recommendations forwarded for review by the OPA from January 2005 through June 2006.

The report denotes whether the Department accepted the recommendation, and, if so, the status of its implementation.

Previous policy recommendations by the OPA, as well as a complete report on the OPA's Role in Policy Review and Risk Management at SPD, can be found at: <http://www.seattle.gov/police/opa/Docs/2004PolicyRecommendations.pdf>.

### **Community and Internal Outreach**

This report summarizes outreach by the OPA from January 2005 through June 2006.

The report covers OPA outreach in the area of brochure distribution, outreach to citizens of limited-English proficiency, outreach to youth, OPA presentations and forums, OPA website, participation in conferences and professional activities of the OPA, internal outreach, and outreach through the media and media coverage of the OPA.

Previous outreach efforts of the OPA can be viewed at [http://www.seattle.gov/police/opa/Docs/OPA\\_Internal\\_Outreach.pdf](http://www.seattle.gov/police/opa/Docs/OPA_Internal_Outreach.pdf)

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\* Note: Policy recommendations related to Use of Force are reported in an upcoming report to be released in July 2006.

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## OPA POLICY REVIEW AND RECOMMENDATION

OPA has always touted the importance of policy review. As noted in previous reports, review of individual complaints is essentially a backward, rather than forward-looking function. In fact, it has recently been suggested that focus on complaint investigation can *undermine* the effectiveness of complaint review. In an article titled, "The Unfulfilled Promise of Citizen Review," Professor Debra Livingston (2004) wrote:

*"...A narrow focus on the after-the-fact investigation of complaints for the purpose of holding individual officers accountable for misconduct, important as this task may sometimes be, has the effect of restricting the role that citizen complaint procedures might play in enhancing the quality and legitimacy of police services...In reality, complaint investigation is but a small piece of any comprehensive strategy aimed at improving policing and minimizing abuse."*<sup>1</sup>

Other experts agree. Samuel Walker (2005) claims that policy review is "potentially the most important function that any citizen oversight agency can perform because it is directed toward organizational reforms..."<sup>2</sup> Even if the chief is not required to accept recommendations, Walker notes that the process of investigating problems, making recommendations, and reporting on the department's response represents a much-needed "professional and civilized dialogue" over police issues.<sup>3</sup>

Through routine review of all complaints and investigations, OPA is well-positioned to note recurring issues or trends that may be addressed through improvements in training, supervision, or policy. As can be seen below, OPA has enjoyed a high degree of acceptance by Chief Kerlikowske of its recommendations. This indicates a healthy level of cooperation and acceptance between the OPA and other parts of the Department.

This report of policy recommendations made by the OPA includes issues and recommendations forwarded for review from January 2005 through June 2006. Previous policy recommendations by the OPA can be reviewed at <http://www.seattle.gov/police/opa/Docs/2004PolicyRecommendations.pdf>.

Policy recommendations are divided into three categories (1) recommendations on OPA policies and procedures, (2) recommendations on policies concerning professional standards, training, risk management, and accountability, and (3) recommendations relating to Firearms Review Board proceedings.

Below are summaries of recommendations made in both categories, and the status of implementation of corrective action.

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<sup>1</sup> Ohio State Journal of Criminal Law, Volume 1:653, p. 654.

<sup>2</sup> The New World of Police Accountability, p.140.

<sup>3</sup> Id., at 140.

## **RECOMMENDATIONS ON OPA POLICIES AND PROCEDURES**

### **Criminal History of Complainants - IMPLEMENTED**

Review by OPA-IS of criminal history of complainants had already been significantly curtailed by policy. However, questions remained about the propriety of running checks for criminal history of complainants in administrative investigations of Department employees. OPA renewed its request for a legal opinion governing this practice, and obtained more definitive advice from the NCIC Administrator *against* running criminal history checks.

OPA policy has been further modified to prohibit the running of criminal history checks on complainants in administrative investigations of Department employees.

### **Referral of Criminal Investigations – UNDER REVIEW**

OPA is responsible for conducting or overseeing investigations of SPD employees alleged to have committed crimes.

For crimes alleged to have been committed outside the city limits, and under the investigation of another law enforcement agency, OPA serves as the liaison to the outside agency and monitors the case. At the point where charges are either filed or declined, or otherwise not pursued, OPA takes over and completes the administrative case.

As for crimes alleged to have occurred within the City limits, OPA in the past bore primary investigative responsibility. However, beginning in 2005, changes were made to this practice. A new contract provision called for OPA to determine the appropriate investigative unit with expertise in the type of criminal conduct alleged to conduct the criminal investigation. The referral unit would conduct the investigation, then refer the case back to OPA for completion upon the filing or decline of charges. The change was intended to utilize special expertise within the Department, so that, for example, allegations of domestic violence would be investigated by the subject-matter experts currently assigned to the Department's Domestic Violence Section.

Experience has shown that the 2005 change has not achieved the intended results. The referral of cases by OPA has met with resistance, strained Department resources, posed difficult management problems, diminished confidentiality, jeopardized compliance with contractual obligations and deadlines, and resulted in unintended consequences. With the referral to multiple outside units, OPA's ability to exercise management and oversight of these important cases has been compromised.

OPA recommended that OPA retain primary investigative responsibility for these criminal investigations, with the option to utilize in-house expertise via temporary

assignment of a specific investigator to work with OPA on a particular case. This change would facilitate compliance with SPOG contract provisions, provide the best protection for confidentiality, and ensure direct accountability.

### **Documentation of Search and Seizure – PENDING IMPLEMENTATION**

OPA identified an urgent need for additional training for officers on search and seizure. OPA reviewed two cases involving a significant intrusion that was not documented.

OPA recommended review of the incidents and training for all ACT (anti-crime) team members. In addition, OPA recommended that a policy be developed and published to require documentation of significant search, seizures, and entries.

### **Sergeant Selection Criteria - IMPLEMENTED**

OPA-IS drafted selection criterion reflecting the desired traits and demonstrated skills of an OPA-IS Sergeant. The criteria was provided to all sergeants with a cover memo setting forth the importance of the job, and establishing a contact point for sergeants to call with questions.

### **Opinions of Non-Witnesses - IMPLEMENTED**

OPA-IS staff was cautioned about references to the opinions of those who are not witnesses in the OPA-IS case, i.e., attorneys who comment on character of witnesses, strength of the case, etc. It was agreed that follow-up entries should typically be restricted to objective facts and information provided.

### **In-Person Interviews of Complaints Alleging Excessive Force - IMPLEMENTED**

OPA-IS staff was reminded that, where possible, interviews with complainants alleging unnecessary or excessive force be done in person. Serious attempts at in-person interviews should be made wherever there are significant injuries or other egregious circumstances alleged.

### **Confidentiality Agreements - IMPLEMENTED**

OPA ensured that all staff members signed a confidentiality policy and agreement. In addition, OPA included a similar memo in the packet to other units conducting criminal investigations at the request of OPA.

### **Review of Open Criminal Investigations - IMPLEMENTED**

OPA was concerned about the timeliness of criminal investigation cases awaiting review for possible charges by the appropriate prosecuting authority. OPA developed a computer based tracking system for all criminal cases to keep track of status and to consider parallel investigation in appropriate cases.

### **Immediate Interview of Subjects in Custody - IMPLEMENTED**

OPA-IS staff was reminded of the need to attempt immediate interviews of in-custody complainants and subjects.

### **Restricting Representation by Guild Representatives Who Were Fact Witnesses – IMPLEMENTED**

In several OPA cases, concerns have arisen about Guild representatives, who themselves have personal knowledge of the events under investigation, representing named or witness employees.

OPA recommended that the Department's legal advisor raise the issue with SPOG. The Guild attorney, while disputing a conflict existed in a particular case, agreed with the underlying premise.

OPA-IS staff has been advised to not go forward with officer interviews if they believe the Guild representative may be a fact witness in the case.

## **RECOMMENDATIONS ON POLICIES CONCERNING PROFESSIONAL STANDARDS, TRAINING, RISK MANAGEMENT AND ACCOUNTABILITY**

### **Documentation of Detentions – IMPLEMENTED**

Department policy required supervisor notification and incident reporting whenever an arrest or detention involved handcuffing. However, there was no policy requiring documentation for other significant detentions, i.e., felony stops; ordered to ground at gunpoint; lengthy investigative detentions, etc.

An absence of paperwork inhibits OPA's ability to review the reasonableness or propriety of officer conduct and provide explanations to citizens who have experienced a very stressful event. Supervisory and command review of the operation is similarly restricted, impacting the ability to recommend changes in tactics or to spot trends. Finally, the lack of documentation makes it difficult for the Department to defend its actions against subsequent challenges of false arrest, unnecessary force, or racial and ethnic bias.

OPA renewed its recommendation to revise Department policy with an eye toward requiring documentation of major arrests and incidences.

### **Radio/Dispatch Procedures for Responding to Citizen Complaints – IMPLEMENTED**

OPA reviewed two complaints in which complainants called 911 to report alleged police misconduct. OPA suggested a review and revision of current policies and procedures used by Communications in handling complaints made via 911.

### **Closing Down Businesses – UNDER REVIEW**

A complaint was made by the manager of a restaurant and bar for unnecessary force by two officers. The force issues were resolved, but review of the case revealed concerns about the decision to close down the establishment prior to closing time for code violations. OPA raised concerns about a lack of training on the necessary predicate and about a lack of policy or procedure governing such actions.

OPA recommended that the Department develop and publish policies that address the circumstances under which a business may be closed down, and the procedures that should be adhered to, including review/screening by a supervisor.



### **Supervision of Strip Searches - IMPLEMENTED**

OPA noted inconsistency and lack of compliance with Department policy requiring supervision of strip searches.

The form was revised to provide better documentation as to the supervisor who screened and witnessed the strip search.

### **Strip Searches: Removal of Contraband/Evidence – PENDING IMPLEMENTATION**

Review of OPA cases raised questions about whether existing policy and/or state law allowed for any touching of strip search subjects by SPD employees to remove contraband or evidence.

OPA recommended research and policy revision/clarification in this area.

### **Safeguarding Personal Property and Evidence – UNDER REVIEW**

OPA-IS commanders noted policy, procedure and training problems in the area of evidence and property handling. OPA recommended review by the Department's Audit, Accreditation & Policy Section for determination and implementation of best practices department-wide.

### **Review of Field Training Officers – IMPLEMENTED**

The Administrative Services Bureau worked with OPA to ensure systematic vetting of officers before being assigned to the FTO program. A list of current FTOs is forwarded to OPA on a monthly basis. The Supervisor of FTO is advised if there are any complaint issues.

### **Clarification of Use of "Ruse" by Detectives – IMPLEMENTED**

OPA issued a reminder to the Criminal Investigation Bureau that the use of ruses and deception, while permissible in undercover work, could not be used to obtain consent to search or in an advisement of rights.

### **Citation Based on Attitude/Demeanor – UNDER REVIEW**

Following a previous OPA recommendation for guidelines governing law enforcement action taken based on the subject's attitude and demeanor, new language was inserted into a Procedures and Tactics Publication. OPA noted that the language was vague and its meaning unclear, and that it was not included in the general SPD policy manual.

OPA recommended further review and/or adoption of policy language that states expectations, guides officers, and sets boundaries on the exercise of discretion based solely on attitude and demeanor.

### **Training on Exercise of Judgment and Discretion – IMPLEMENTED**

The new Standards of Conduct policy included a new section on Failure to Exercise Judgment and Discretion. The section represented a new articulation of an important, potentially far-reaching standard.

OPA recommended formal training on the new standard.

### **Policy on Carrying Weapons Off-Duty – PENDING IMPLEMENTATION**

OPA alerted Audits and Inspections to a contradiction between a new policy in the new section on Standards and Duties, allowing for the carrying of a weapon while off-duty to be at the option of the employee, and an older provision in the Firearms section that still indicated that officers must be armed with a firearm.

### **Policy on Statements about Discharge of Weapons – PENDING IMPLEMENTATION**

Provision in SPD Manual stated that officers should not make statements to anyone outside of their chain-of-command regarding discharge of firearms. This requirement was noted to be inconsistent with the need to report a firearms discharge to any on-scene investigators/responders outside the employees' immediate chain of command.

OPA recommended revision to existing policy language.

### **Appropriate Use of SPD Uniform – PENDING IMPLEMENTATION**

OPA received a complaint about a Department of Corrections officer, working with SPD officers, wearing a Seattle Police bicycle jacket. In addition, following an investigation into pictures of a recruit posted on a public website, OPA recommended adoption of a policy governing the appropriate use of SPD uniforms.

### **Duration of Secondary Employment Permits – IMPLEMENTED**

Following the submittal of all-new secondary employment permits required in January 2005, Human Resources was considering the permits valid for one-year plus the time until an employee's anniversary date. That meant that the permit could be good for close to two years, assuming early application and late anniversary. This practice conflicted with secondary employment regulations providing that permits were only valid for one year.

OPA recommended that this practice be discontinued, and that a process to ensure a bridge review and/or extension of the permits be adopted.

### **Photographing Dark-skinned subjects – PENDING IMPLEMENTATION**

Poor quality photographs of dark-skinned subjects were impeding investigations and providing an inadequate record of employee action, particularly in use of force.

OPA recommended that the Department procure higher quality equipment and train employees in photographic technique to minimize this problem.

### **Claims Processing – IMPLEMENTED**

OPA noted that the Department was receiving requests for information from the city claims office for "arrest records" of claimants. The Department was responding with complete criminal histories.

The Department's Administrative Support Bureau stepped in to re-design the forms to reflect that the request was limited to arrest and/or incident reports that were the subject of the claim.

### **Training on Response to "Onlookers" and to "Street Allegations of Biased Policing" – IMPLEMENTED**

Review of OPA cases revealed multiple complaints involving SPD interaction with "onlookers," or people who are observing police enforcement activity.

In addition, response by officers to allegations in the street of biased policing continued to emerge as an issue.

OPA recommended that specific training on these common street scenarios be incorporated into a new block of training for Street Skills 2006.

### **Retrieval of In-Car Video – IMPLEMENTED**

Investigation of a citizen complaint illustrated difficulty in ascertaining whether patrol car video cameras captured any footage of the incident.

OPA recommended a comprehensive accounting system with redundancy and cross-referencing capability to prevent errors.

### **Secondary Employment – PENDING IMPLEMENTATION**

OPA recommended modification/clarification to secondary employment permit application form to include regulation from Standards of Conduct section that “Employees holding the rank of sergeant and above shall not engage in secondary employment that is coordinated, brokered, supervised or scheduled by an employee of lower rank.”

### **Garrity Admonishments – IMPLEMENTED**

Additional examples came to OPA’s attention of improper issuance of an order to an officer to give a compelled statement under “Garrity.” “Garrity” is the name of a case that held that, if public employees are ordered to answer questions under threat of termination, the statements they give cannot be used against them in subsequent criminal proceedings.

OPA renewed its previous recommendation that Department commanders be reminded of the limits of the proper application of Garrity admonishments.

# **FIREARMS REVIEW BOARD PROCEEDINGS**

## **Role of OPA in Review of Officer-Involved Shootings**

OPA has three responsibilities following an officer-involved shooting:

- (1) For the OPA Director to serve on the Department's Critical Incident Response Team;
- (2) To conduct a review of the investigative files and draft findings of the proceedings of the Department's Firearms Review Board (FRB); and
- (3) Where the FRB has made a formal referral for investigation, to conduct an investigation into possible policy violations.

The second of these, the review of the investigative files and draft findings of the FRB, is the role that entails a significant degree of policy review and recommendation work. This function provides for active review of an investigation for thoroughness and objectivity from a different perspective. The OPA focuses its review on procedural issues, such as the thoroughness and objectivity of the underlying investigation and of the FRB proceedings themselves, and also on accountability and transparency issues. Does the evidence support the conclusions? Were tactical issues that may have contributed to the need to shoot considered? Review of the FRB proceedings allows the OPA to evaluate for itself whether there are policy and/or accountability issues presented by the facts, and to share its input with the Chief of Police prior to a final decision being rendered.

## **Policy Recommendations**

In review of FRB proceedings and draft findings, OPA often makes comments or recommendations specific to individual incidents. In the reporting period, OPA reviewed eight officer-involved shootings, and had suggested revisions, additions, recommendations, or suggestions in five.

Reported below are the general policy recommendations made by the OPA that pertain to all officer-involved shootings and FRB proceedings.

## **RECOMMENDATIONS RELATED TO FIREARMS REVIEW BOARD PROCEEDINGS**

### **Objectivity of Reports prepared by Homicide Section – PENDING IMPLEMENTATION**

OPA raised concerns about the appearance of a lack of objectivity in investigative reports prepared by the Homicide Section. The reports sometimes included conclusory statements about an officer's thoughts, decisions, and actions, rather than an objective recitation of facts and information. In addition, separate components of the investigation, i.e., of the officer-involved shooting and of crimes committed by the subject of the shooting, were merged, rather than bifurcated.

It was noted that such practices might give the appearance that the neutrality of the investigation was compromised from the outset. A resulting diminution in credibility would be a disservice to the integrity of the process, and to the officer involved in the shooting.

OPA recommended bifurcation of investigation by Homicide and strict objectivity of incident, follow-up, or major incident summary reports.

### **Record of Order to Give a Compelled Statement - PENDING IMPLEMENTATION**

OPA noted that there was no record of the individual supervisor or commander in Homicide that gave the order to the involved officer(s) to give a compelled statement ("Garrity" order), or of when the order was given. This information could be important in a particular case, and should be subject to review in every case.

OPA recommended that a record of this information be maintained in the Homicide Investigation file and included in the FRB notebook.

### **Issuance of Garrity Order to a Witness Officer – PENDING IMPLEMENTATION**

OPA noted that the statement of witness officers were sometimes denoted as "Involuntary True and Compelled Statements" pursuant to a "Garrity" order by an individual supervisor or commander in Homicide. Witness officers do not face potential prosecution, and thus do not require protection of their right against self-incrimination. Moreover, reporting their actions and observations in connection with an officer-involved shooting is a fundamental duty of their position.

OPA recommended that the Homicide Unit be instructed that an order to give a compelled statement should not be given to witness officers.

## **Documentation of Involved Officer Statements – PENDING IMPLEMENTATION**

OPA noted a lack of and/or ambiguous notation regarding date and time on officers' statements. One statement of an involved-officer was marked as having been given just hours after the shooting, although it was clear from the investigative file that the written statement was not received by Homicide for several days.

OPA recommended that policies should clarify that involved officer statements should accurately note when the statement was commenced and when it was completed, and that the investigative file should note when the statement was received.

## **Testimony of Civilian Witnesses at FRB Proceedings – PENDING IMPLEMENTATION**

It was noted that in one case, although the investigative file contained written and/or tape-recorded statements from multiple civilian witnesses, only sworn SPD personnel testified in-person at the FRB proceedings. Current SPD policy does allow for testimony by civilians, although such witnesses cannot be compelled to appear and testify in internal Department proceedings.

OPA recommended that the FRB chair consider and address in advance of or during the FRB proceedings whether civilian witnesses would be beneficial to a thorough and objective review.

## **Recording of FRB Proceedings – UNDER REVIEW**

Testimony at the FRB proceedings is not memorialized. This poses a clear impediment to review of the proceedings and of the underlying circumstances surrounding the shooting.

OPA recommended that FRB testimony be recorded by tape or court reporter and transcribed for the file.

## OUTREACH TO THE COMMUNITY

“The starting point for an open and accessible complaint procedure involves a sincere effort to publicize the process and inform citizens about how to file a complaint.”<sup>4</sup>

OPA takes a proactive approach to building trust with the public. The office has dedicated a significant portion of its resources to community outreach since its inception. Coordinating the outreach program is one of the primary job responsibilities of the OPA Associate Director, John Fowler.

In his 2005 publication, The New World of Police Accountability, noted expert Professor Samuel Walker highlighted Seattle’s OPA as an oversight office that is “get[ting] it right with respect to accountability.”<sup>5</sup> Walker described some of the OPA’s outreach initiative as “virtually unprecedented in policing,” and praised the transparency of the OPA and Department.<sup>6</sup>

### Brochure Distribution

OPA maintains an active brochure distribution network. Supplies of OPA brochures are regularly provided to 37 sites, including: government offices and police precincts, thirteen neighborhood service centers, human rights offices, the Urban League, El Centro de la Raza, the Seattle Indian Center, Harborview Hospital, Asian Legal Service, ACLU, Seattle Public Library, OPA Review Board, and the Citizen’s Service Bureau.

The OPA continues to reach out to citizens with limited English proficiency. OPA published a brochure for citizens in nine different languages: Amharic, Arabic, Korean, Oromo, Somalian, Spanish, Tigrigna, and Vietnamese. These brochures are distributed in areas with concentrations of people with limited-English proficiency, and through department precincts, the Department’s racial and ethnic advisory groups, neighborhood service centers, and civil rights organizations.

In 2005 the OPA produced a new brochure announcing its new mediation program. This brochure was sent to all of the regular distribution points and to organizations that provide mediation services, such as the King County Dispute Resolution Center and The City’s Alternative Dispute Resolution Center. Information is also available at <http://www.cityofseattle.net/police/OPA/Mediation.htm>.

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<sup>4</sup> Walker, New World of Police Accountability, p.75.

<sup>5</sup> Sage Publications, pp. 187-189.

<sup>6</sup> New World of Police Accountability, pp. 189-191.



## Youth Outreach

A high percentage of police contacts are with youth ages 18-25. Young people often have a limited understanding of their rights and responsibilities in dealing with the police, and are also less likely to raise concerns or questions about police conduct. OPA has targeted outreach to this community, with the goal of educating this special community about how to engage with the police in a way that is respectful, safe, and appropriate.

In 2004 and 2005, the OPA met with over 1,500 students at local public high schools, including: Roosevelt, Cleveland, Summit, Ingraham, Rainier Beach, and South Beach. Presentations covered SPD's commitment to accountability, and youth rights and responsibilities when in contact with the police. The presentations included not only an orientation to the OPA and the complaint process, but a significant discussion on "Respect" and how to appropriately deal with police. The department's youth outreach pamphlet "RESPECT" was provided at each presentation.

These presentations were enthusiastically received. Numerous staff and students wrote to thank OPA for the program. Teachers and students alike thought the presentations were timely and appropriate and appreciated the outreach efforts. A teacher from Cleveland High School complimented the OPA for the "relevant" and professional presentation. A parent of a student from Rainier Beach High School commented in an e-mail that her son, "...thought it was a good and much needed talk. He just thought you ought to know that your words did not fall on deaf ears and that at least one kid got some important lessons."

Most encouraging of all was the feedback from the students. These are quotes from letters received from students at Ingraham High:

- "Thank you for all that you explained to us about law and how to best deal with the police. I think the three most important things I learned were to think about what I do, to be safe while I do it, and to never forget I will be listened to."
- "What I liked most about your presentation was what a police's (sic) day was like. Before, I had never paid much attention to them. To me policemen were just there to give you speeding tickets and eat donuts, but after you[r] presentation...I have a much higher respect for them."
- "[T]he way you talked about dignity and respect hit home. I mean, every one of us wants to be treated with dignity and respect, but to be given that we have to give as well."
- "I gathered much from this lecture including some of the ways the police department works. I honestly never knew that us 'kids' was able to file a complaint to the police department."

## **OPA Website**

The OPA website is easily accessible from both the City's and Department's home page. It is a frequently accessed site, and a productive source of communication to and feedback from citizens. Citizens have accessed the OPA website and e-mail to get information, read reports, make comments, complaints, inquiries, and/or commendations over 10,000 times per year in the past two years. It is one of the most frequently accessed pages on the Department's website.

## **OPA Presentations and Forums**

OPA presents frequently to interested groups. Since 2004, the OPA has presented at least once to:

- ACLU
- Administration and staff at Cleveland, Rainier Beach, and South Lake High Schools
- Alternative Dispute Resolution
- Center for Women and Democracy
- Citizen's Academy
- City of Seattle Office of Economic Development
- City-wide Advisory Council
- Community Police Academy
- "Contemporary Issues in Law Enforcement" class at Seattle University
- Counsel for the Accused
- "Criminal Procedure" class at Seattle University School of Law
- East African Communities Advisory Council
- "Ethics, Law and Justice" class at University of Washington
- King County Council; King County Council members.
- King County Dispute Resolution King County Interlocal Mediation Program
- King County Task Force on Brady Disclosure
- Latino Advisory Council
- NAACP Police Liaison
- Native American Advisory Council
- Portland Police Department command staff
- Public Defenders Association
- Seattle Girls School
- Seattle Police Officers' Guild Executive Board
- Sexual Minorities Advisory Council
- Vancouver, B.C. Police Department command staff
- Western Association of Campus Law Enforcement Administrators
- Youth Advisory Council
- Youth and the Law Forum at First AME Church

In addition, OPA has sponsored community forums at Chief Sealth High School in West Seattle (April 2004), Mount Zion Baptist Church (May 2005), and Seattle Public Library Capitol Hill Branch (March 2006). The first two were well attended, with approximately 25 at Chief Sealth, and about 75 at Mount Zion. Discussion topics included OPA process, mediation, OPA Review Board, investigative stops, searches, and excessive force.

The OPA Director has also presented or participated in local, regional, and national conferences and forums about citizen oversight in general, and Seattle's citizen oversight system in particular. She gave extensive interviews for an article about Seattle's OPA published in the August 2004 newsletter of the Police Assessment Resource Center; met with government officials from Brazil, Eastern Europe, Congo regarding civilian oversight; attended a meeting of Police Auditors in Portland; presented training on Conducting Criminal Investigations to the FBI NIA; presented at the October 2004 NACOLE conference on Review of Investigations of Complaints Arising out of Crowd-Control Events; and presented on citizen oversight to an International Association of Chiefs of Police Forum on Civil Rights.

### **Involvement in Professional Activities**

The OPA Director is active in national organizations and projects on civilian oversight and internal affairs. She has been a two-time presenter at the annual conference of the National Association of Civilian Oversight of Law Enforcement (NACOLE). Currently, the OPA Director is chairing a NACOLE sub-committee on Professional Standards for Civilian Oversight Professionals.

In addition to her work with NACOLE, the OPA Director is Seattle's representative to a United States Department of Justice program working with 13 law agencies to establish a national community of practice and best practices in internal affairs. She was asked to co-chair two sub-committees for that project.

In addition, the OPA Director was invited by the City of Denver and the City of Eugene to assist with their selection processes for new civilian oversight entities in those jurisdictions.

The Associate Director is also active in professional organizations that complement and support the work of the OPA. He is currently completing a practicum with the Interlocal Conflict Resolution Group (ILCRG), which has included extensive classroom and field experience in mediation. The ILCRG provides options for resolving conflicts to which a public agency or union is a party through mediation and other forms of dispute resolution.

He has also recently been appointed to the Board of Directors for the King County Dispute Resolution Center.

## Internal Briefings

OPA has worked hard to reach out to its internal stakeholders as well.

The office began in 2005 to meet with each class of recruits graduating from the academy and about to begin serving as student officers with SPD. In advance of the presentation, the recruits are given a survey, testing their knowledge and attitudes about the citizen complaints, civilian oversight, and the OPA. Then, the OPA Director, Associate Director, and Captain and/or Lieutenant of OPA-IS meet the recruits in person to present information about the OPA, offer advice on complaint avoidance, answer questions, and most importantly, to demystify and humanize the process. The goal is to give direct information so the recruits start out with accurate information and solid advice on maintaining an excellent reputation. OPA spoke with ten graduating classes in 2005 and four to date in 2006.

In 2005 the Director met with sergeants and lieutenants at each of the five precincts to talk about OPA-related changes in the new SPOG contract and to highlight the mediation program. These meetings provide an opportunity for questions and answers, and to hear concerns about various OPA issues from the first-line supervisors.

On multiple occasions in 2005 and 2006, the OPA met with Patrol Operation commanders. OPA shares precinct-specific information with commanders about OPA statistics, discusses topical issues, and highlights emerging trends in complaint activity. In March of 2006, OPA conducted a full briefing for all Department commanders and lieutenants on OPA statistics for 2005. OPA-IS shared a list of observed trends and areas for improvement.

Following an ambitious schedule, the OPA Associate Director met with each of the three watches at all five precincts and with several specialty units (Traffic, SWAT, Mounted, Canine, etc.) within the Department to promote the new OPA Mediation program. Forty-eight presentations were conducted reaching over 500 uniformed employees. The presentations targeted the nuances of the new program and were designed to educate, answer program questions and reduce rumors and skepticism.

In his 2005 publication, The New World of Police Accountability, noted expert Professor Samuel Walker highlighted Seattle's OPA internal outreach initiative as "virtually unprecedented in policing," and praised the transparency of the OPA and Department.<sup>7</sup>

## Media

The OPA strives to maintain open, positive communication with local news outlets. Our policy is to respond promptly to all requests for information and comment, OPA has also issued press releases to announce the partnership for intake with the Citizen's Service Bureau, news reports, community forums, and its new Mediation program.

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<sup>7</sup> New World of Police Accountability, pp. 189-191.

In this reporting period, OPA has granted interviews to the Seattle Post Intelligencer, the Seattle Times, the Seattle Weekly, the Stranger, Real Change News, the Ballard Tribune, KUOW Radio, KIRO Radio, and KOMO Radio. In addition, OPA presented at and participated in an SPD media forum with local news organizations.

Finally, OPA activities garner frequent mention and coverage by the local media. The office has been mentioned in approximately 118 articles in the last two years. OPA also receives national coverage. Newspapers in Denver and San Francisco wrote about the office's structure and programs in stories about police accountability and civilian oversight in those cities.

## **SUMMARY**

The Office of Professional Accountability remains committed to the critical initiatives discussed in this report. The integration of these functions into the daily activities and expectations of the office has been instrumental in creating a culture that supports positive change, improvement and growth while promoting the functions of the office with true transparency. While the primary function of the OPA remains the investigation of complaints of misconduct, these additional efforts can only raise professional standards within the Seattle Police Department while adding enduring value for the public it serves.